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U.S. DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JAMES MARSH,

Plaintiff,

-v-

06-CV-0464Sc

ORDER

CO BELLINGER, et al.,

Defendants.

On February 12, 2007, the Court (Hon. William M. Skretny) granted plaintiff's application to proceed *in forma pauperis*, dismissed the complaint against defendants Bonds and Dean with prejudice, dismissed the false misbehavior report claim against defendant Bellinger, and directed the Clerk of the Court to cause the United States Marshals Service to serve copies of the summons and complaint on defendants Bellinger, Hart, Chaffee, Stermer, Taft, Crans, Mackmeyer, Williams and Pick. (Docket No. 8). Prior to issuance of that Order, plaintiff filed a motion to amend the complaint (Docket No. 6), but did not include a proposed amended complaint which the Court could review pursuant to 28 U.S.C. § § 1915(e)(2)(B) and 1915A. Because plaintiff did not provide a proposed amended complaint which the Court could review as required under § § 1915(e)(2)(B) and 1915A, and because plaintiff did not need to file a motion to amend because he has the right to amend the complaint once prior to a responsive pleading is served,

Fed.R.Civ.P. 15(a), the plaintiff's motion to amend (Docket No. 6) is denied without prejudice.¹

Additionally, it now appears that the Court does not have plaintiff's current address. **Mail sent to plaintiff by the Court on February 12, 2007 was returned to the Court on February 28, 2007 marked undeliverable.** Based on this, it appears that plaintiff has failed to provide the Court with an address where papers may be served.

Local Rule of Civil Procedure 5.2(d) requires that a party proceeding *pro se* "must furnish the Court with a current address at which papers may be served on the litigant. In addition, the Court must have a current address at all times. Thus a *pro se* litigant must notify the Court immediately in writing of any change of address. Failure to do so may result in dismissal of the case with prejudice." Local Rule of Civil Procedure 5.2(d).

Accordingly, **plaintiff is directed to provide the Court with an address where papers may be served by March 30, 2007 or the case will be dismissed with prejudice without further order of the Court.**

¹Plaintiff may, before a responsive pleading is served, file an amended complaint once as of right, which, if filed, will be subject to review pursuant to § § 1915(e)(2)(B) and 1915A.

If plaintiff fails to provide an address by **March 30, 2007**, the Clerk of the Court is directed to close this case as dismissed with prejudice without further order of the Court.

SO ORDERED.

s/Michael A. Telesca
MICHAEL A. TELESKA
United States District Judge

Dated: March 15, 2007
Rochester, New York